

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**ROBERT KENNEDY, II and
STEPHANIE KENNEDY,**

Plaintiffs,

V.

FLEETWOOD ENTERPRISES, INC.;
FLEETWOOD HOMES OF GEORGIA, INC.,

Defendants.

Civil Action No.: 1:07cv728

MOTION TO REMAND

Plaintiffs moves this Honorable Court, pursuant to 28 U.S.C. § 1447, to remand this case to the Circuit Court of Henry County, Alabama, for the following reasons:

1. This Court lacks subject matter jurisdiction.
2. There is no “federal questions” to afford this Court jurisdiction pursuant to 28 U.S.C. § 1331 because this case does not arise under the Constitution, laws, or treatise of United States.
3. As this Court is aware, the Federal Arbitration Act “does not provide an independent basis for a federal court’s subject-matter jurisdiction.” *Household Bank v. JFS Group*, 320 F.3d 1249, 1253 (11th Cir. 2003).
4. Removal is improperly based on the grounds of diversity of citizenship because Defendants fail to prove that the amount in controversy is satisfied.
5. These issues will be addressed in the Memorandum Brief filed with this Motion

/s/ C. Lance Gould
C. LANCE GOULD (ASB-0913-G66C)
Attorney for Plaintiffs

OF COUNSEL:

**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.**

Attorneys at Law
Post Office Box 4160
Montgomery, AL 36103-4160
(334) 269-2343
(334) 954-7555 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the original of the foregoing document in this Court and served a copy upon all Defendants of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 13th day of September, 2007.

/s/ C. Lance Gould

OF COUNSEL

James H. Crosby
David F. Walker
CROSBY SAAB, LLC
6404 Hillcrest Park Court
Mobile, Alabama 36695